

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

CRYSTAL GOOD, individually and as parent and next friend of minor children M.T.S., N.T.K. and A.M.S., and MELISSA JOHNSON, individually and as parent of an unborn child T.A.J., and JOAN GREEN and SUMMER JOHNSON and MARY LACY and WENDY RENEE RUIZ and KIMBERLY OGIER and ROY J. McNEAL and GEORGIA HAMRA and MADDIE FIELDS and BRENDA BAISDEN, d/b/a FRIENDLY FACES DAYCARE, and ALADDIN RESTAURANT, INC. and R. G. GUNNOE FARMS LLC and DUNBAR PLAZA, INC., d/b/a DUNBAR PLAZA HOTEL, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

Case No.: 2:14-CV-01374

WEST VIRGINIA-AMERICAN WATER COMPANY, d/b/a WEST VIRGINIA AMERICAN WATER, and AMERICAN WATER WORKS SERVICE COMPANY, INC. and AMERICAN WATER WORKS COMPANY, and EASTMAN CHEMICAL COMPANY and GARY SOUTHERN and DENNIS P. FARRELL,

Defendants.

WEST VIRGINIA HOSPITALITY AND TRAVEL ASSOCIATION, INC., West Virginia Not-for-Profit Corporation, on behalf of All of Its Adversely Affected Members, and as Assignee of Certain of Its Adversely Affected Members,

Plaintiff,

Case No.: 2:16-CV-00184

v.

AMERICAN WATER WORKS COMPANY, INC., a Delaware Corporation; AMERICAN WATER WORKS SERVICE COMPANY, INC., a New Jersey Corporation; WEST VIRGINIA-AMERICAN WATER COMPANY, a West Virginia Corporation; EASTMAN CHEMICAL COMPANY, a Delaware Corporation; GARY SOUTHERN, an individual; and DENNIS P. FARRELL, an individual,

Defendants.

RESPONSE TO PLAINTIFF'S MOTION FOR LIMITED CONSOLIDATION

In response to Plaintiff's Motion for Limited Consolidation, Defendant Gary Southern, by Counsel, states as follows:

At a status conference on July 27, 2018, the Court announced that it was considering consolidation of these two civil actions and directed counsel for West Virginia Hospitality and Travel Association ("WVHTA") to file a document stating his client's position on such consolidation within a week with the other parties to respond to that filing within an additional week. Pursuant to the Court's directive, on August 3, 2018, WVHTA filed a Motion for Limited Consolidation asking the Court to consolidate these two civil actions for discovery and deposition testimony involving fact witnesses.

Since the time of the July 27, 2018, status conference, Mr. Southern and the Plaintiffs in the Good class action have again reached a proposed settlement. If the Court approves the settlement, such approval will moot the issue of consolidation. Accordingly, at this time and in the interest of judicial economy, Mr. Southern takes no position on the merits of the motion for limited consolidation but respectfully requests additional time to respond should the same become necessary.

GARY SOUTHERN,

Defendant,

BY COUNSEL:

/s/ Pamela C. Deem

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CERTIFICATE OF SERVICE

I, PAMELA C. DEEM, counsel for Defendant Gary Southern, hereby certify that on the 10th day of August, 2018, I electronically filed the foregoing “**Response to Plaintiff’s Motion for Limited Consolidation**” with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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